

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZUBER AHMED, NURUL HOUQE, MOHAMMED B.
UDDIN, SALEH UDDIN, BENNETT LARSEN and
LESLIE NEWSAM, Individually, On Behalf of All Others
Similarly Situated and as Class Representatives,

Plaintiffs,

-against-

10-cv-06075 (DAB) (RLE)

UNION SQUARE HOSPITALITY GROUP, LLC,
USHG, LLC, USHG NOMINEE, LLC, UNION SQUARE
EVENTS, LLC, ELEVEN MADISON PARK, LLC
DOING BUSINESS AS ELEVEN MADISON PARK,
ART FOOD LLC DOING BUSINESS AS THE
MODERN, CAFÉ 2 and TERRACE 5, UNION SQUARE
CAFÉ CORP. DOING BUSINESS AS UNION SQUARE
CAFE, GRAMERCY TAVERN CORP. DOING
BUSINESS AS GRAMERCY TAVERN, TABLA, LLC
DOING BUSINESS AS TABLA, BLUE SMOKE, LLC,
DOING BUSINESS AS BLUE SMOKE, BLUE SMOKE
ENTERPRISES LLC, BLUE SMOKE CATERING LLC
DOING BUSINESS AS BLUE SMOKE CATERING,
450ST ST DOING BUSINESS AS JAZZ STANDARD,
FOOD 2 LEX LLC DOING BUSINESS AS MAIALINO,
HUDSON YARDS CATERING LLC, HUDSON YARDS
ENTERPRISES LLC, HUDSON YARDS SPORTS &
ENTERTAINMENT LLC and HUDSON YARDS
SERVICES, LLC,

ECF CASE

Defendants.

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NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement ("Motion for Preliminary Approval") and in the Declaration of Robert D. Lipman in Support of Plaintiffs' Motion for Preliminary Approval ("Lipman Decl."), Plaintiffs respectfully request that the Court enter an Order:

(1) granting preliminary approval of the Joint Stipulation of Class Settlement and Release (the “Agreement”), attached as Exhibit A to the Lipman Decl.;

(2) conditionally certifying the following settlement class under Fed. R. Civ. P. 23(a) and (b)(3) and the Fair Labor Standards Act for purposes of effectuating the settlement:

All persons who are or were employed by Defendants for 170 hours or more during the Covered Period as a front of house, non-managerial employee, including but not limited to the following classifications of employees at Defendants’ New York City restaurants known as Eleven Madison Park, The Modern, Tabla, Blue Smoke, Gramercy Tavern, Maialino, and Union Square Café and/or at Defendants’ New York City catering entities known as Hudson Yards Catering and Blue Smoke Catering: (1) servers, (2) food runners, (3) bussers, (4) bartenders, (5) barbacks, (6) maitre d’s, (7) hosts, (8) expeditors, (9) polishers, (10) backwaiters, (11) server assistants, (12) wait-staff, (13) captains, (14) baristas, and (15) front servers between August 16, 2004 to June 23, 2011.

(3) appointing Lipman & Plesur, LLP as Class Counsel;

(4) approving Plaintiffs’ Proposed Class Notice, attached hereto as Exhibit A, and directing its distribution;

(5) approving Plaintiffs’ proposed schedule for final settlement approval;

(6) granting such other, further, or different relief as the Court deems just and proper.

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as Exhibit B, for the Court’s convenience.

Dated: August 18, 2011
Jericho, New York

Respectfully submitted,

LIPMAN & PLESUR, LLP

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Class*